

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

**UNITED STATES OF AMERICA**

**vs.**

**Case No. 3:18-cr-9(S1)-J-34JRK**

**KENNETH EDWARD LEE**

---

**ORDER**

This cause came before the Court on September 25, 2018 for a continuation of oral argument on the outstanding motions to suppress. See Minute Entry (Doc. No. 161). During argument, the Government and Defendant agreed that five of the motions to suppress are moot based upon the representations by the Government that it will not seek to introduce during its case-in-chief evidence these motions seek to suppress. Accordingly, it is

**ORDERED:**

1. The following motions to suppress are **DENIED AS MOOT**:
  - A. The Motion to Suppress and Exclude Illegally Procured Tape Recording of Marital Communication (Doc. No. 34; "Motion re Tape Recording"), filed February 20, 2018<sup>1</sup>
  - B. The First Motion to Suppress Statements (January 5, 2018) (Doc. No. 35), filed February 20, 2018

---

<sup>1</sup> Defendant previously advanced an argument concerning "fruits" that were derived as a result of this tape recording. See, e.g., Motion re Tape Recording (Doc. No. 34) at 2 (seeking to "suppress said recording and any fruits derived therefrom"). Defendant's counsel announced on September 25, 2018 that he is no longer proceeding with a "fruits" argument and that the entire motion aimed at the tape recording is moot. It should be noted that the Government has agreed not to introduce the recording "or any other statements Lee made to Mrs. Lee" during its case-in-chief. See United States' Omnibus Response in Opposition to Lee's Motions to Suppress Evidence and Statements (Doc. No. 151), filed August 10, 2018, at 2.

- C. The Third Motion to Suppress Statements (Post-Arrest Statements of November 23, 2017) (Doc. No. 83), filed April 20, 2018
  - D. The Fourth Motion to Suppress Statements (Post-Arrest Interview of January 5, 2018-Right to Cease Questioning) (Doc. No. 84), filed April 20, 2018
  - E. The Sixth Motion to Suppress Statements (Involuntary and Un-Mirandized Statements of November 27, 2017) (Doc. No. 138), filed July 2, 2018
2. A Report and Recommendation will enter separately regarding the remaining motions to suppress (Doc. Nos. 33, 67, 81, 82, 137).

**DONE AND ORDERED** at Jacksonville, Florida on October 2, 2018.

  
**JAMES R. KLINDT**  
United States Magistrate Judge

kaw

Copies to:

Assistant United States Attorneys (Gershow/Karase/Gonzalez)

William J. Sheppard, Esquire

Elizabeth L. White, Esquire

Matthew R. Kachergus, Esquire

Bryan E. DeMaggio, Esquire

Jesse B. Wilkison, Esquire

Camille E. Sheppard, Esquire